

# **EXHIBIT A**

TODD W. BURNS  
California State Bar Number 194937  
FEDERAL DEFENDERS OF SAN DIEGO, INC.  
225 Broadway, Suite 900  
San Diego, California 92101-5008  
Telephone No. (619) 234-8467

Attorneys for Mr. Duarte

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE BARBARA L. MAJOR)

UNITED STATES OF AMERICA,	)	CASE NO. 08CR0325-W
	)	
Plaintiff,	)	
	)	
v.	)	DECLARATION OF ORLANDO
	)	DUARTE-CELESTINO
ORLANDO DUARTE-CELESTINO.,	)	
	)	
Defendant.	)	

I, Orlando Duarte-Celestino, declare, under penalty of perjury:

1. I am the defendant in the above-captioned case.

2. To the best of my recollection, I was arrested by San Diego police officers on January 23, 2008, although I understand that the complaint in this case seems to suggest I was arrested on January 24, 2008. Regardless of the day, I was arrested in the morning.

3. When I was arrested, I was staying at an acquaintance's home on the 2800 block of Imperial Avenue in San Diego. I was in a back room of the house when I was called by name. I went toward the front of the house, where I was confronted by two uniformed San Diego police officers, and at least two plain clothes officers who I understand were detectives.

4. I was handcuffed immediately, and taken to the San Diego police station on Broadway Avenue. When I arrived at the station, officers took hair and saliva samples from me, took my clothes, and asked me some questions, including where was my green card and why was I not carrying it. I had not at that time been advised of my Miranda rights (that is, my right to remain silent, my right to an attorney, and the like).

1 5. Following these events, detectives showed me photos and asked me other questions such as about  
2 my normal routine. After about fifteen minutes of that questioning, the detectives took me to be questioned  
3 while hooked up to a polygraph machine. It was only before the polygraph questioning that I was first  
4 advised of my Miranda rights.

5 6. After being questioned all day on the day of my arrest, I was taken to the San Diego County jail  
6 in downtown San Diego, where I was held for several days without being taken to court, having a lawyer  
7 appointed, meeting with a lawyer, or being informed what was happening.

8 7. On January 31, 2008, I was picked up at the downtown County jail by United States immigration  
9 officials, who took me to be fingerprinted and photographed, and then took me to George Bailey San Diego  
10 County jail, where I spent the night. Immigration officials picked me up at George Bailey the next morning,  
11 and took me to federal court on February 1, after which I was taken to the Metropolitan Correctional Center  
12 ("MCC") in San Diego.

13 8. I have never been shown a warrant for my arrest, nor a warrant to seize my belongings, nor a  
14 probable cause statement to justify my arrest and detention by the San Diego police. The first time I went  
15 to court following my arrest was my federal court appearance on February 1, 2008.

16 9. At no time since I was arrested by the San Diego police has anyone taken me before an  
17 immigration judge, nor notified me that I am subject to deportation or other immigration proceedings.

18 10. Prior to my arrest, my green card was stolen, and I had not replaced it by the time of my arrest  
19 because I am homeless and earn a living by collecting recyclable cans and bottles, through which I make at  
20 most \$300 per month. That money goes toward food and basic necessities, such as clothing and a room in  
21 which to stay from time-to-time, particularly when the weather is bad. I have not been able to find a better  
22 job, I suppose because I am homeless, and I have not been able to both pay for food and afford a replacement  
23 green card.

24 I declare under penalty of perjury that the foregoing is true and correct. This document was executed  
25 on February 11, 2008, in San Diego, California.

26   
27 ORLANDO DUARTE-CELESTINO  
28

# **EXHIBIT B**

1 TODD W. BURNS  
California State Bar Number 194937  
2 FEDERAL DEFENDERS OF SAN DIEGO, INC.  
225 Broadway, Suite 900  
3 San Diego, California 92101-5008  
Telephone No. (619) 234-8467  
4

5 Attorneys for Mr. Duarte  
6  
7

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10 (HONORABLE BARBARA L. MAJOR)

11 UNITED STATES OF AMERICA,	)	CASE NO. 08CR0325-W
12 Plaintiff,	)	
13 v.	)	DECLARATION OF TODD BURNS
14 ORLANDO DUARTE-CELESTINO.,	)	
15 Defendant.	)	
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16  
17 I, Todd Burns, declare, under penalty of perjury:

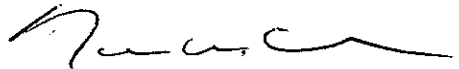
18 1. I am appointed counsel in the above-captioned case.

19 2. My office handles interviewing and processing of nearly every individual who appears in federal  
20 court in San Diego for a first appearance. I have had a search run of our database with respect to such first  
21 appearances, and, dating back to 1980, we were unable to find a single case in which a person was charged  
22 solely with violating 8 U.S.C. §1304(e).

23 3. I have reviewed San Diego County Sheriff's booking records with respect to Mr. Duarte, and they  
24 indicate Mr. Duarte was arrested on January 24, 2008, and was released on January 30, 2008. Those records  
25 also indicate that on January 28, 2008, ICE Agent Michael Haynes (the author of the probable cause  
26 statement accompanying the complaint in this case), requested that the jail officials "rebook and release [Mr.  
27 Duarte] to ICE agents in the AM." According to the Sheriff's records, this "re-arrest" and "re-book" was  
28 with respect to "deportation proceedings."

1 4. My understanding, from speaking to two attorneys who practice regularly in state court, is that  
2 defendants much be taken to court within three business days of arrest, and cannot be held longer than that  
3 absent a charge being filed.

4 I declare under penalty of perjury that the foregoing is true and correct. This document was executed  
5 on February 11, 2008, in San Diego, California.

6   
7 TODD BURNS  
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# **EXHIBIT C**

**FEDERAL  
DEFENDERS  
OF  
SAN DIEGO,  
INC.**

**VIA FACSIMILE AND U.S. MAIL**

February 3, 2008

Michelle Pettit  
Assistant United States Attorney  
Federal Office Building  
880 Front Street  
San Diego, California 92101

**Re: United States v. Orlando Duarte-Celestino  
Case No. 08MJ0284**

Dear Ms. Pettit:

The Federal Community  
Defender Organization  
for the Southern  
District of California

I am writing to request all discoverable materials with respect to the above-named case.

In particular, but not exclusively, with respect to your motion to detain Mr. Duarte, I request any materials or information relating to any request that federal authorities arrest and hold Mr. Duarte while state and/or local authorities investigate him for a non-federal offense(s), or that such is the actual motive for the government's charging, and/or moving to detain, Mr. Duarte. I also request any materials or information you have regarding government bond/release recommendations in the last five years with respect to Class C misdemeanors, and any guidelines your office has with respect to bond/release recommendations with respect to Class C misdemeanors. I remind you that Brady and Rule 16 apply to pre-trial motion proceedings. See United States v. Gamez-Orduno, 235 F.3d 453, 462 (9th Cir. 2000) (Brady); United States v. Cedano-Arellano, 332 F.3d 568, 571 (9th Cir. 2003) (Rule 16).

In addition, if Mr. Duarte is not permitted to be released pre-trial, I intend to ask for a trial on February 5, 2008. Accordingly, please bring all discovery with you to court on February 4, 2008, and get your witnesses ready.

Please let me know if you have any questions.

Sincerely,



TODD W. BURNS  
Attorney for Mr. Duarte

NBC Building  
225 Broadway  
Suite 900  
San Diego,  
California  
92101-5030  
(619) 234-8467  
FAX (619) 687-2666



**FEDERAL  
DEFENDERS  
OF  
SAN DIEGO,  
INC.**

**VIA FACSIMILE AND U.S. MAIL**

February 5, 2008

Michelle Pettit  
Assistant United States Attorney  
Federal Office Building  
880 Front Street  
San Diego, California 92101

**Re: United States v. Orlando Duarte-Celestino  
Case No. 08MJ0284**

Dear Ms. Pettit:

I am writing again to request all discoverable materials with respect to the above-named case, pursuant to Brady and Rule 16.

Relatedly, as I indicated in my February 3, 2008 letter, I intend to raise an equal protection/due process/prosecutorial misconduct claim with respect to the government's arrest and charging of Mr. Duarte. Accordingly, I request any materials or information relating to a request that federal authorities arrest and/or charge Mr. Duarte while state and/or local authorities investigate him for a non-federal offense(s), or that such is the actual motive for the government's arresting and/or charging Mr. Duarte. I also request any materials or information with respect to anyone being charged, nationally or locally, solely with a violation of 18 U.S.C. §1304(e), any information or materials relating to policies and/or practices as far as arresting and/or charging for such, and any information with respect to the countless people found to have committed such a violation who were not arrested and/or charged. As for the last, you can probably satisfy this request by providing me the names of a few immigration or border patrol officers/agents who have encountered many §1304(e) violators, but have not arrested them; alternatively, I am willing to enter into an appropriate stipulation on this point.

In addition, I have been informed, by a reliable source, that the San Diego District Attorney's Office counseled the San Diego Police Homicide Division against arresting Mr. Duarte, due to lack of probable cause. I will be seeking to suppress fruits of this illegal arrest, including that Mr. Duarte was found to not be carrying his green card. I request production of such Brady materials and information.

Given that I will be seeking prompt disposition of motions, and a near-future trial date, please comply with your discovery obligations immediately.

Sincerely,



TODD W. BURNS  
Attorney for Mr. Duarte

The Federal Community  
Defender Organization  
for the Southern  
District of California

NBC Building  
225 Broadway  
Suite 900  
San Diego,  
California  
92101-5030  
(619) 234-8467  
FAX (619) 687-2666

# **EXHIBIT D**

DATE: February 6, 2008TO: F/D Todd Burns, Esq.NUMBER OF PAGES: 19FROM: AUSAMichelle PettitPAGE NUMBER SEQUENCE: 1-19

TOTAL COST AT \$ .10/PAGE: \_\_\_\_\_ DATE BILLED FOR FIRST 250 PAGES: \_\_\_\_\_

CHECKS ARE PAYABLE TO THE: U.S. DEPARTMENT OF JUSTICE

**RECEIPT FOR DISCOVERY MATERIALS AND ACKNOWLEDGMENT**  
**OF CONDITIONS FOR RETENTION AND USE**

Criminal Case No.: 08mj0284United States v. Orlando Duarte-Celestino

I am the attorney of record for Defendant. I hereby acknowledge receipt of a copy of discovery in the above-referenced case. I acknowledge that any documents and tangible objects (as set forth in Rule 16(a)(1)(C), Fed.R.Crim.P.) and reports of examinations and tests (as set forth in Rule 16(a)(1)(D), Fed.R.Crim.P.) received by me, or made available for my inspection and copying, are turned over to me in compliance with my request for said documents and tangible objects made pursuant to said Rule. I further acknowledge and agree to comply with the Government's request for permission to inspect and copy or photograph such documents and tangible objects (as set forth in Rule 16(b)(1)(A), Fed.R.Crim.P.) and reports of examinations and tests (as set forth in Rule 16(b)(1)(B), Fed.R.Crim.P.) within the possession or control of the defendant and which the defendant intends to introduce as evidence-in-chief at trial or which relate to the testimony of a witness defendant intends to call at trial.

I realize that these documents provided to me remain the property of the United States Attorney, must be retained by me in my file, and must be returned to the United States Attorney upon demand. Furthermore, I agree that neither I, my client or anyone connected with the defense will make copies of these documents without prior authorization of the court, and if relieved as counsel I must return such reports to the United States Attorney's Office or deliver them to new counsel if and when I confirm that new counsel is attorney of record and has signed an acknowledgment such as this. I further realize that failure to observe any of the above requirements may result in the loss of benefits of this program and possible sanction by the court; and that making copies of such reports or refusing to surrender such upon demand may subject me to prosecution under Title 18, United States Code, Section 641. I recognize that this method of discovery is part of an experimental program initiated by the United States Attorney's Office and that the United States Attorney may, at her disposition, terminate such program at an time.

Date: \_\_\_\_\_

FEB 06 2008

JEC  
\_\_\_\_\_  
Attorney for Defendant

COPY

Person Contacted: drop-box

Date: February 6, 2008

Time: 3:06pm.Legal Assistant: Y. Reyes**FEDERAL DEFENDERS ONLY:**

I acknowledge receipt of \_\_\_\_\_ copies and agree to pay the sum of \$ \_\_\_\_\_  
 \_\_\_\_\_ for copying charges w hen billed by the United States Attorney.

cc: Support Services Section

USASDC Form

10

(Federal Defenders' receipts only)

(Rev. 02/22/99)

## MAGISTRATE JUDGE INFORMATION SHEET

MAGISTRATE CASE NUMBER 08-mj-0284

1. Hearing Date 2/1/08 2. AUSA Mr. Cug 3. Mag Judge BLM

4. USAO # \_\_\_\_\_ 5. Agency # A90 556 884

6. Defendant's #: 1 of 1 7. Case Agent HAYNES, Michael

8. Charges: One Count of Title 8, U.S.C., Section 1304(e) - Failure to Carry Alien Registration

9. Defendant's Name: DUARTE-Celestino, Orlando 10. Social Security #: \_\_\_\_\_

11. Alias: \_\_\_\_\_ 12. Birth Date: 05-20-1959

13. Address: Transient, San Diego, California

14. Arrest Date: 01-29-2008 15. Place of Arrest: San Diego, CA 16. Date Committed: 01-29-2008

17. Agent(s): HAYNES, Michael 18. Office Phone #: 619 557 6011 x429 (Desk)

19. Agency: U.S. ICE 20. Station: San Diego SAC Office

21. Custody: Yes \_\_\_\_\_ No \_\_\_\_\_

22. Citizenship: U.S. \_\_\_\_\_ Mex X Other \_\_\_\_\_

23. INS Status: Res X BCC \_\_\_\_\_ Illegal \_\_\_\_\_ Other \_\_\_\_\_

24. Prior Deport: None IDENT Hits: No

26. Prior Record: \_\_\_\_\_

11-24-2003 PC647(j) - Lodging Without Permission of Owner  
Misdemeanor - fine

08-17-2004 PC647(j) - Lodging Without Permission of Owner  
Misdemeanor - fine

10-20-2004 PC647(j) - Lodging Without Permission of Owner  
Misdemeanor - fine

03-08-2005 PC647(j) - Lodging Without Permission of Owner  
Misdemeanor - fine

03-27-2006 PC647(j) - Lodging Without Permission of Owner  
Misdemeanor - fine

27. Drug Usage: \_\_\_\_\_ How Evidenced? \_\_\_\_\_

28. Cash on Defendant: \$ \_\_\_\_\_ 29. Other Evidence \_\_\_\_\_

30. Agents Fact Summary: \_\_\_\_\_

Orlando DUARTE-Celestino came to the attention of ICE on or about January 28, 2008, after his January 24, 2008, encounter with officers of the San Diego Police Department. During interview by SDPD officers, DUARTE claimed to be a lawful permanent resident of the United States. When asked where his "green card" was, DUARTE claimed that it had been stolen. He further claimed that it was too costly to replace. A query of records maintained by the U.S. Department of Homeland Security confirmed that DUARTE is in fact a lawfully admitted permanent resident of the United States and that he has been issued an alien registration receipt card.

31. Agents info re: Defendant (Employment, Family, etc.) Apparently Transient

32. Def Attorney: ED

33. DEFENSE ATTORNEY: BLM PHONE NUMBER: \_\_\_\_\_

34. Next Date for: RE Removal Date 2/5/08 Time 9<sup>00</sup> Detention Date 2/5/08 Time 9<sup>00</sup> BLM

35. Bond Set: \_\_\_\_\_

36. Material Witness Custodial Status: Custody \_\_\_\_\_ Not in Custody \_\_\_\_\_

37. MATERIAL WITNESS ATTORNEY: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

Court's Orders/Motions

Government's Notes for Bail

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**DUARTE-Celestino, Orlando**

Defendant,

) Magistrate Docket No. \_\_\_\_\_

) Case No. \_\_\_\_\_

) COMPLAINT FOR VIOLATION OF:

) **Title 8 USC, Section 1304(e)**

) **Failure to Possess Alien Registration**

) **(Misdemeanor)**

The undersigned complainant, being duly sworn, states:

On or about January 24, 2008, within the Southern District of California, Defendant Orlando DUARTE-Celestino, an alien, over the age of eighteen, did not carry with him and have in his personal possession, a certificate of alien registration, to wit: an alien registration receipt card, that was lawfully issued to him pursuant to subsection (d) of this section, a misdemeanor in violation of Title 8, United States Code, Section 1304(e).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

\_\_\_\_\_  
**Special Agent Michael Haynes**  
**U.S. Immigration & Customs Enforcement**

**SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31<sup>st</sup> DAY OF JANUARY 2008.**

\_\_\_\_\_  
**Hon. Barbara L. Major**  
**U.S. Magistrate Judge**

**STATEMENT OF FACTS**

Orlando DUARTE-Celestino came to the author's attention on or about January 28, 2008, via a law enforcement source. The author was informed that on the morning of January 24, 2008, officers of the San Diego Police Department encountered DUARTE within the city of San Diego. DUARTE voluntarily agreed to be interviewed by these officers and accompanied them to their office.

After being advised about his constitutional rights per "Miranda", DUARTE claimed that he had resided in the United States since he was sixteen years of age, and that he had a "green card". When asked where this "green card" was, DUARTE responded by claiming that it was stolen and cost too much to replace.

On January 28, 2008, the author reviewed records maintained by the U.S. Department of Homeland Security. These records indicate that DUARTE, a citizen of Mexico, had indeed been a lawfully admitted permanent resident of the United States since 1989. The author also determined that DUARTE remains a citizen of Mexico who is lawfully admitted to the United States for permanent residence and that an alien registration receipt card has been issued to him.

## Defendant Locator Form

(Staple behind the Magistrate Information Sheet in front of Criminal History Info).  
(Revised: 4/24/04)

### U.S. Immigration & Customs Enforcement

Name of Defendant DUARTE-Celestino, Orlando  
DOB 05-20-1959

A-File Number A90 556 884 Charge Title 8, U.S.C., Section 1304(e)

#### MCC Information (619) 232-4311, Ext. 430 (MCC Records)

Arrival Date at MCC \_\_\_\_\_ Time \_\_\_\_\_

Booking Number \_\_\_\_\_

Transport Officer \_\_\_\_\_ Star # \_\_\_\_\_

Receiving Official at MCC \_\_\_\_\_

#### Juvenile Hall Information (858) 694-4505 or Booking (858) 694-4766

Arrival Date at Juvenile Hall \_\_\_\_\_ Time \_\_\_\_\_

Juvenile Hall Booking Number \_\_\_\_\_

Transport Officer \_\_\_\_\_ Star # \_\_\_\_\_

Receiving Official at Juvenile Hall \_\_\_\_\_

### Hospitalized Defendants

Name of Medical Center/Detox Unit \_\_\_\_\_

Phone Number of Medical Center/Detox Unit \_\_\_\_\_

Name of Person Receiving Defendant There \_\_\_\_\_

Date of Hospitalization \_\_\_\_\_ Time \_\_\_\_\_

Reason for Hospitalization \_\_\_\_\_

Room Number \_\_\_\_\_

Phone Number at Nurses' Station \_\_\_\_\_

Expected Date of Defendant's Release from Hospital \_\_\_\_\_

Message #: 5181474

From: SYSTEM @ CLETS 01.28.08 13:42:15

To : IM0144 @ 976756063

\* \* \* FOR USER cast \* \* \*

4CSZK83F870.IH

RE: QHY.CAUSC5300.25095569.IM0144

DATE:20080128 TIME:13:42:15

RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES

ATTN:IM0144 A90556884

\* \* \* \* \*  
THIS RECORD IS IN THE PROCESS OF BEING CONSOLIDATED WITH CII [REDACTED]  
\* \* \* \* \*

CII- [REDACTED]

DOB/19590520 SEX/M RAC/HISPANIC

HGT/510 WGT/130 EYE/BRO HAI/BLK POB/MM

NAM/01 DUARTE, ORLANDO

MDS/CTZ MM

\* \* \* \*

ARR/DET/CITE: NAM:01 DOB:19590520

20031120 CASO SAN DIEGO

CNT:01 #3147989A

647(I) PC-DISORD CONDUCT: LODGE W/O CONSENT

ARR BY: CAPD SAN DIEGO

COM: PHOTO AVAILABLE

COM: ADR-112003 (2759, B ST., SAN DIEGO, CA, 92102,  
-0000)

COM: SCN-71933240009

\* \* \* \* \*  
END OF MESSAGE \* \* \*



Message #: 5181519  
From: SYSTEM @ CLETS 01.28.08 13:43:52  
To : IM0144 @ 976756063  
\* \* \* FOR USER cast \* \* \*  
4CSZK83F87F.IH

RE: QHY.CAUSC5300.25729883.IM0144 DATE:20080128 TIME:13:43:52  
RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES  
ATTN:IM0144 A90556884

\* \* \* \* \*  
THE FOLLOWING CII NUMBER(S) IS BEING CONSOLIDATED WITH THIS CII RECORD:

CII: [REDACTED]

\* \* \* \* \*  
\*\* PALM PRINTS AVAILABLE AT DOJ FOR PALM PRINTS CONTACT

PALM.PRINT@DOJ.CA.GOV  
III CALIFORNIA ONLY SOURCE RECORD  
CII: [REDACTED]  
DOB/19590520 SEX/M RAC/HISPANIC  
HGT/509 WGT/180 EYE/BRO HAI/BRO POB/MM  
NAM/01 CELESTINO, ORLANDO DUARTE  
02 PEREZ, ORLANDO  
03 DUARTE, ORLANDO CELESTINO  
04 DUARTE, ORLANDO

FPC HENRY  
21 M 5 R MMO 14  
I 1 T MO 17

FBI: [REDACTED]  
DOB/19570520 19550520  
MDS/CTZ MM  
\* \* \* \*

ARR/DET/CITE: NAM:01  
19821024 CASO SAN DIEGO

CNT:01 #487153  
484(A) PC-PETTY THEFT  
ARR BY:CAPD SAN DIEGO

COURT: -NAM:01  
19821124 CAMC SAN DIEGO

CNT:01 #M444949  
484 PC-PETTY THEFT  
DISPO:DISMISSED/FOJ/PLEA TO OTHER CHARGE

CNT:02  
602(J) PC-TRESPASS:INJURE PROPERTY  
\*DISPO:CONVICTED  
CONV STATUS:MISDEMEANOR  
SEN: 3 YEARS PROBATION, 1 DAYS JAIL  
\* \* \* \*

ARR/DET/CITE: NAM:02 DOB:19570520  
20040813 CASO SAN DIEGO

CNT:01 #4136166A  
647(J) PC-DISORD CONDUCT:LODGE W/O CONSENT  
ARR BY:CAPD SAN DIEGO  
COM: PHOTO AVAILABLE  
COM: SCN-70342260024  
- - - -

COURT: NAM:02  
20040817 CASC SAN DIEGO CENTRAL

CNT:01 #M936412  
647(J) PC-DISORD CONDUCT:LODGE W/O CONSENT  
\*DISPO:CONVICTED  
CONV STATUS:MISDEMEANOR  
SEN: 3 YR PROB, , \$139 FINE  
COM: DCN-T6145302790437000145  
\* \* \* \*

ARR/DET/CITE: NAM:03 DOB:19590520  
20041017 CASO SAN DIEGO

CNT:01 #4146544A  
647(J) PC-DISORD CONDUCT:LODGE W/O CONSENT  
ARR BY:CAPD SAN DIEGO

CNT:02  
11364 HS-POSSESS CONTROL SUBSTANCE PARAPHERNA  
COM: ADR-20041017 (2759, B ST,,, SAN DIEGO, CA,  
92102-0000)  
COM: PHOTO AVAILABLE  
COM: SCN-H0342910034  
\* \* \* \*

ARR/DET/CITE: NAM:01 DOB:19590520  
20041118 CASO SAN DIEGO

CNT:01 #4151406A  
647(J) PC-DISORD CONDUCT:LODGE W/O CONSENT  
ARR BY:CAPD SAN DIEGO

CNT:02  
853.7 PC-FAIL TO APPEAR AFTER WRITTEN PROMISE  
COM: PHOTO AVAILABLE  
COM: SCN-H0343230031  
\* \* \* \*

ARR/DET/CITE: NAM:03 DOB:19590520  
20050304 CASO SAN DIEGO

CNT:01 #5109932A  
647(J) PC-DISORD CONDUCT:LODGE W/O CONSENT  
ARR BY:CAPD SAN DIEGO  
COM: PHOTO AVAILABLE  
COM: SCN-H0150630044  
- - - -

COURT: NAM:03  
20050308 CASC SAN DIEGO CENTRAL

CNT:01 #M955173  
647(J) PC-DISORD CONDUCT:LODGE W/O CONSENT  
\*DISPO:CONVICTED

CONV STATUS:MISDEMEANOR  
SEN: 3 YR PROB, , \$220 FINE \$100 FNSS  
COM: DCN-T6012911270537000118

\* \* \* \*

ARR/DET/CITE: NAM:04 DOB:19590520  
20060323 CASO SAN DIEGO

CNT:01 #6112826A  
166(A) (5) PC-CONTEMPT:RESIST COURT ORDER/ETC  
ARR BY:CAPD SAN DIEGO

CNT:02  
647(J) PC-DISORD CONDUCT:LODGE W/O CONSENT  
COM: ADR-20060323 (2759, B ST,,, SAN DIEGO, CA,  
92102-0000)  
COM: PHOTO AVAILABLE  
COM: SCN-N1160820027

\* \* \* \*

ARR/DET/CITE: NAM:03 DOB:19550520  
20080124 CASO SAN DIEGO

CNT:01 #8105828A  
187(A) PC-MURDER:FIRST DEGREE  
ARR BY:CAPD SAN DIEGO  
COM: PHOTO AVAILABLE  
COM: SCN-G99B0240012

\* \* \* \* \*  
END OF MESSAGE \* \* \*

ID # (A/AA/AB/C/DA): A90556884 A#: 090556884 DOB: 05201959  
(DL/FB/FP/I/PP/SS/TD)  
LAST: DUARTE CELESTINO  
FIRST: ORLANDO  
MIDDLE:  
ALIASES: NATZ DATE:  
COURT:  
LOCATION:

SEX: M POE: SND COB: MEXIC DOE: 12081989  
FCO: NRC COA: W16 COC: MEXIC FTC: 06202006 FATHER: TAIDE  
PFCO: WSC SFCO: DFO: 08141987 BIN: 06202006 MOTHER: SIMONO

SSN: 553072860 CONSOLIDATED A-NOS --OTHER INFORMATION--  
I-94 ADM #: 090556884 LAPS-X CARD-X  
PASSPORT #: 027622605  
FBI #:  
DRIVER LIC:  
FINGER CD#:

OVER-KEY ID# TO DISPLAY NEW PERSON, PRESS ENTER. CLEAR EXIT PF1 NEXT CONS A#  
PF2 PRIOR CONS A# PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY  
PF9 EAD PF11 EOIR

A#: 090556884 NAME: DUARTE CELESTINO ,ORLANDO DOB: 05201959

ACTION	LOC	ACTION-DATE	ST	REASON/ COURT#	MISC	ID NUMBER/ MISC-DATE	KEYED-DATE
LAPS HISTORY	XPW	08/14/1987	2	PEN	XSD		11/03/1987
LAP FINAL HIST	XPW	04/14/1988	G	TW1			04/15/1988

\*\*\* END OF HISTORY DISPLAY \*\*\*

CLEAR EXIT PF1 PAGE AHEAD PF2 PAGE BACK PF4 RETURN PF5 HELP PF6 MAIN MENU

A#: 090556884 NAME: DUARTE CELESTINO , ORLANDO DOB: 05201959

CARD NAME: DUARTE CELESTINO, ORLANDO D CARD DOB: 05201959

SND W16

COB: MEXIC  
SEX: M

090556884 21 12 955 285 00000

7899 08905 55220 66559 00000

120889 582 220 04630 0000000

MOTHER'S NAME: SIMONO

FATHER'S NAME: TAIDE

PLACE OF BIRTH: X

RES AT APPL: X

CONSUL/INS OFC: X

ORIGINAL DESTINATION: X

CLEAR EXIT PF4 DISPLAY MENU PF5 HELP PF6 MAIN MENU PF7 CARD HISTORY

ID # (A/AA/AB/C/DA): A27622605 A#: 027622605 DOB: 05201959  
(DL/FB/FP/I/PP/SS/TD)  
LAST: DUARTE CELESTINO  
FIRST: ORLANDO NATZ DATE:  
MIDDLE: COURT:  
ALIASES: LOCATION:

SEX: M POE: SYS COB: MEXIC DOE: 01001983  
FCO: NRC COA: EWI COC: MEXIC FATHER: TAIDE  
PFCO: SFCO: DFO: 02111987 BIN: MOTHER: SIMONA

SSN: CONSOLIDATED A-NOS --OTHER INFORMATION--  
I-94 ADM #: 090556884  
PASSPORT #: 027622605  
FBI #:  
DRIVER LIC:  
FINGER CD#:

OVER-KEY ID# TO DISPLAY NEW PERSON, PRESS ENTER. CLEAR EXIT PF1 NEXT CONS A#  
PF2 PRIOR CONS A# PF3 REFRESH PF4 RETURN PF5 HELP PF6 MAIN MENU PF8 HISTORY  
PF9 EAD PF11 EOIR

A#: 090556884 NAME: DUARTE CELESTINO

, ORLANDO

DOB: 05201959

PREVIOUS FCO: WSC  
CURRENT FCO: NRC  
REQUEST FCO: SND

FCO CREATING SUB-FILE:  
SUB-FILE CREATION IND:

FILE LOCATED IND: R (FILE REQUESTED)

DATE FTR: 01282008 (MMDDYYYY)  
DATE FTI: 00000000  
DATE FTC: 06202006

ACCESSION NUMBER: 0707  
INS BOX NUMBER: 0054

PERSON/ACTION: 3IV0124

REQUEST NUMBER:  
2ND REQUEST DATE:  
3RD REQUEST DATE:

YOU MAY REQUEST A DISPLAY OF ANOTHER A-FILE BY KEYING A DIFFERENT A-NUMBER.

CLEAR EXIT PF3 REFRESH PF4 FTS MENU PF5 HELP PF6 CIS MAIN MENU



FORM NBR: I90 RCPT NBR: WAC9421550481 REF NBR:  
A-NBR: A0 90556884 PART 2: A RECEIVED DATE: 08/08/1994  
NAME: DUARTE CELESTINO ORLANDO D  
C/O:  
STREET: 3157 LINCOLN AVE CITY: SAN DIEGO  
STATE: CA PROVINCE: CNTRY: ZIP/POST: 92104  
DOB: 05201959 COB: MEXIC SOC SEC NBR: 562619343 PRIORITY DT:

CARD TYPE: 1 TRANSACT CODE: 2 REASON FOR APPL: A SEX: M

MOTHER'S FIRST NAME: SIMONO

FATHER'S FIRST NAME: TAIDE

CLASS: W16 CR EXPIRES: ADM/ADJ DATE: 12081989

POE: SND AMC: I-89 EXEC LOC: SND

OTHER FP: TEMP RES DATE: I-89 EXEC DATE: 07281994

SIG WVR: N PHOTO WVR: N FNGPRNT WVR: N

VIEW SPONSORS: N

ACTION: KE DATA CHANGE

INTERVIEW REASONS:

DC997961 - VIEW MODE

PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12  
CRD INFO CIS CANCEL BACK RSN MAIN MENU CODES LOGOFF REMIT ATTY STAT HIS REAS

RECEIPT NUMBER: WAC-94-215-50481 FORM: I90

ALIEN NUMBER: A090-556-884

CARD SERIAL NUMBER: NO CARD INFO FOR THIS CASE

CARD PRODUCTION DATE:

NAME ON CARD:

PRESS PF4 OR "ENTER" TO RETURN TO PREVIOUS SCREEN

PF4	PF6	PF8
PRIOR MENU	MAIN MENU	LOGOFF

RECEIPT NBR: MSC-08-800-13096




FORM NBR: I-90

BENEF/APPL NAME:

PETITIONER NAME:

STATUS/ACTION CODE	STATUS DATE	REMOTE LOCATION
AA RECEIVED	10172007	MSC
IAA RECEIPT NOTICE SENT	10172007	MSC
IBS1 NO SYSTEM IDENTIFIED DEROGATORY INFO	10222007	MSC
MA70 BIOMETRICS RECEIVED FROM ASC	12072007	MSC
KE DATA CHANGE	12072007	MSC
FVA CRIMINAL DISPOSITION &/OR GMC	01192008	MSC
IK REQUEST FOR ADDITIONAL EVIDENCE	01192008	MSC

PF1	PF2	PF4	PF6	PF7	PF8
PG FWD	PG BACK	PRIOR MENU	MAIN MENU	CODES	LOGOFF

Web-ISRS Detail Information	
Alien Number	
090556884	
Name	
DUARTE CELESTINO, ORLANDO D	
Social Security Number	
000000000	
Date of Birth	
05/20/1959	
Country of Birth	
MEXICO	
Class Of Admission	
W16	
Admission Date	
12/08/1989	
Image Source	
ICF	
Expiration Date	
04/24/2005	

Export

Close

Print

Sensitive but Unclassified (SBU)

STATE USAGE

OFF SECOND

SUBMISSION

APPROXIMATE CLASS

AMPUTATION

SCAR

STATE USAGE

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

DUARTE-CELESTINO, ORLANDO

SIGNATURE OF PERSON FINGERPRINTED

SOCIAL SECURITY NO.

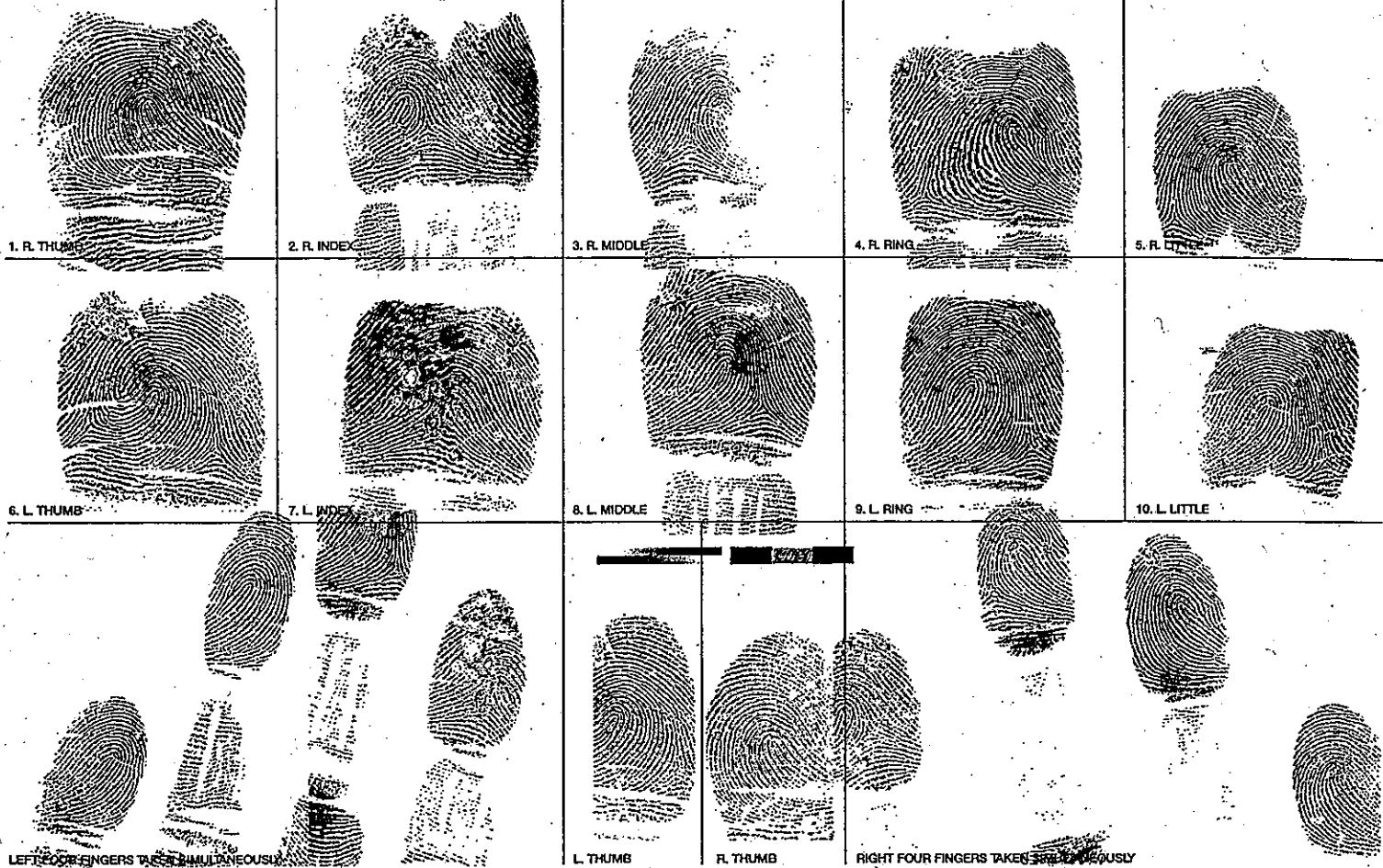
553072860

LEAVE BLANK

ALIASES/MAIDEN

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH MM DD YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
[REDACTED]	[REDACTED]	05/20/1959	M	W	506	135	BRO	BLK



FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306

PRIVACY ACT OF 1974 (PL. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

JUVENILE FINGERPRINT		DATE OF ARREST MM DD YY 01/30/2008		ORI CAICE1200 ICE-DETENTION + REMOVAL SAN DIEGO, CA	
SUBMISSION YES <input type="checkbox"/>				CONTRIBUTOR	
TREAT AS ADULT YES <input type="checkbox"/>				ADDRESS US ICE 8500 CAMPUS DRIVE #1234 SAN DIEGO, CA US 92101	
		REPLY DESIRED? YES <input type="checkbox"/>			
SEND COPY TO: (ENTER ORI)		DATE OF OFFENSE MM DD YY 1/30/08		PLACE OF BIRTH (STATE OR COUNTRY) MEXICO	
				COUNTRY OF CITIZENSHIP MEXICO	
MISCELLANEOUS NUMBERS AR-090556884		SCARS, MARKS, TATTOOS, AND AMPUTATIONS N/V			
		RESIDENCE/COMPLETE ADDRESS		CITY	STATE
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) MICHAEL HAYNES		LOCAL IDENTIFICATION/REFERENCE [REDACTED]		PHOTO AVAILABLE? YES <input checked="" type="checkbox"/>	
				PALM PRINTS TAKEN? YES <input type="checkbox"/>	
EMPLOYER IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.				OCCUPATION TRANSIENT	
CHARGE/CITATION 1. Failure to Carry Alien Reg 8051304(e)				DISPOSITION Pending	
2.				2.	
3.				3.	
ADDITIONAL				ADDITIONAL	
ADDITIONAL INFORMATION/BASIS FOR CAUTION				STATE BUREAU STAMP	

# EXHIBIT E

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUARTE-Celestino, Orlando

Defendant,

) Magistrate Docket No. **08 MJ 0284**

) Case No. \_\_\_\_\_  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

) COMPLAINT FOR VIOLATION OF:  
BY: \_\_\_\_\_ DEPUTY  
) **Title 8 USC, Section 1304(e)**

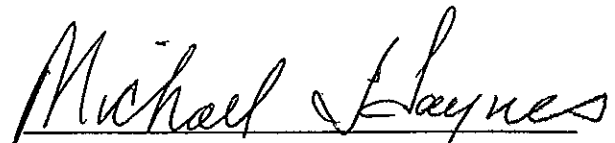
) Failure to Possess Alien Registration

) (Misdemeanor)

The undersigned complainant, being duly sworn, states:

On or about January 24, 2008, within the Southern District of California, Defendant Orlando DUARTE-Celestino, an alien, over the age of eighteen, did not carry with him and have in his personal possession, a certificate of alien registration, to wit: an alien registration receipt card, that was lawfully issued to him pursuant to subsection (d) of this section, a misdemeanor in violation of Title 8, United States Code, Section 1304(e).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Special Agent Michael Haynes  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31<sup>st</sup> DAY OF JANUARY 2008.



Hon. Barbara L. Major  
U.S. Magistrate Judge



**STATEMENT OF FACTS**

Orlando DUARTE-Celestino came to the author's attention on or about January 28, 2008, via a law enforcement source. The author was informed that on the morning of January 24, 2008, officers of the San Diego Police Department encountered DUARTE within the city of San Diego. DUARTE voluntarily agreed to be interviewed by these officers and accompanied them to their office.

After being advised about his constitutional rights per "Miranda", DUARTE claimed that he had resided in the United States since he was sixteen years of age, and that he had a "green card". When asked where this "green card" was, DUARTE responded by claiming that it was stolen and cost too much to replace.

On January 28, 2008, the author reviewed records maintained by the U.S. Department of Homeland Security. These records indicate that DUARTE, a citizen of Mexico, had indeed been a lawfully admitted permanent resident of the United States since 1989. The author also determined that DUARTE remains a citizen of Mexico who is lawfully admitted to the United States for permanent residence and that an alien registration receipt card has been issued to him.

# **EXHIBIT F**



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## Application to Replace Permanent Residence Card

### Purpose of Form :

Use this form to replace a "Green Card."

### Number of Pages :

Instructions: 4; Form: 2.

### Edition Date :

07/30/07. Previous editions accepted.

### Where to File :

See Special Instructions

### Filing Fee :

\$290. Biometrics fee of \$80 may be included. Please see Special Instructions for details.

### Special Instructions :

#### Filing Fee(s) and Where to File:

If you are filing because:

- Your card was valid for 10 years and is expiring or has expired
- Your card was lost, stolen or destroyed;
- Your card is mutilated;
- Your name or other biographic information has changed since the card was issued;
- You have taken up Commuter status;
- You were a Commuter and am now taking up residence in the U.S.;
- Your status has been automatically converted to permanent resident;
- You have an old edition of the card;

Then your payment is the base application fee is \$290 plus the biometrics fee of \$80. Total filing fee = \$370.

If you have reached your 14th birthday since the date your card was issued, your payment is the biometrics fee of \$80 is required. The base application fee is not required if you file the Form I-90 within 30 days after your 14th birthday. Total filing fee = \$80.

Where to file if you are filing for any reason shown above: If you are filing for any of the reasons noted above, please mail your completed Form I-90 and appropriate fees directly to the following address:

U.S. Citizenship and Immigration Services  
 P.O. Box 54870  
 Los Angeles, CA 90054-0870

For non-U.S. Postal Service (USPS) deliveries (e.g., Federal Express, UPS or DHL):

U.S. Citizenship and Immigration Services  
 Attention: I-90  
 16420 Valley View Avenue  
 La Mirada, CA 90638-5821

**Note:** If you are filing because your biographic data (Name, Date of Birth, etc. ) has been legally changed, then you must bring one of the following to your in-person appearance appointment at the Application Support Center :

- the original or certified copy of a court order making the legal change;
- or
- the marriage certificate reflecting the new name;

### Take Our Survey:

I found this information:

- ☐ Useful
- ☐ Slightly Useful
- ☐ Not Useful
- ☐ Don't Know

**SUBMIT** →

To replace a card because of a change in any other biographic data, you must bring copies of documentation to prove that the new data is correct.

**Notice to applicants making payment by check:**

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

**Filing Fee if you are filing because:**

- You never received your Permanent Resident card; or
  - Your Permanent Resident card was issued with incorrect information because of a USCIS administrative error;
- Then there is no fee required. Please review the Where to File Instructions, below, if you are filing for these reasons. Total filing fee = \$0.

**Where to File if :**

- You never received your Permanent Resident card; or
- Your Permanent Resident card was issued with incorrect information because of a USCIS administrative error;

**If you are filing because your card was never received**

- If USCIS mailed you a Permanent Residence card more than 30 days ago and you have not received it; and
- It has been returned to USCIS by the Post Office as undeliverable; and
- You have not moved from the address you provided to USCIS during the application or immigrant visa process that led to the creation of the card not received;

Mail a new I-90 application with supporting documentation to the USCIS Service Center or National Benefits Center (NBC) that mailed you the card which was not received. Only certain application or form types, when approved, may lead to the creation of a permanent resident card. Those forms are the Form I-485, I-751, I-829, I-90 and the Immigrant Visa packet, Form OS-155A.

Please look at the Form I-797, Notice of Action for the receipt number on the form that you filed which led to the creation of the card which was not received. For example, if you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, and it was approved but you did not receive your permanent resident card, look for the receipt number for that I-485 on the Form I-797 receipt notice USCIS sent you for that form. The first three letters of the receipt number will indicate what office created/processed the application or immigrant visa. WAC = California Service Center. LIN = Nebraska Service Center. EAC = Vermont Service Center. SRC = Texas Service Center. MSC = National Benefits Center.

Once you determine the correct Service Center to which you should mail your Form I-90, mail it to the address below that relates to that Service Center.

California Service Center  
Attn: I-90 "b" or "d"  
P.O. Box 10090  
Laguna Niguel, CA 92607-1009

Nebraska Service Center  
Attn: I-90 "b" or "d"  
PO Box 87090  
Lincoln, NE 68501-7090

Texas Service Center  
Attn: I-90 "b" or "d"  
P.O. Box 851983  
Mesquite, TX 75185-1983

Vermont Service Center  
Attn: I-90 "b" or "d"  
75 Lower Welden Street

St. Albans, VT 05479-0001

National Benefits Center  
Attn: I-551 Corrections  
705B SE Melody Lane, Box 2000  
Lee's Summit, MO 64063

When you submit your Form I-797 Notice of Action, you need to include the receipt number for the application of the Permanent Resident card that was not received.

**If your card was issued with incorrect data due to USCIS administrative error**, you must mail a new I-90 application using Application Reason "d" My card was issued with incorrect information because of a USCIS administrative error, and any supporting documentation, to the USCIS Service Center/National Benefits Center (NBC) that processed the application/form from which the incorrect card was created. Check the envelope that your I-551 permanent resident card came in to find the mailing address of the Service Center/NBC that mailed you the card. The Service Center/NBC address can also be found on the I-797 "Notice of Action" issued for the application from which the incorrect card was created. In addition to the new I-90 application, applicants are required to send the original I-551 card containing incorrect information, plus the supporting documentation for the requested correction. A replacement application based on a USCIS administrative error must also include an explanation. There is no fee required. Total filing fee - \$0.

**Special Instructions:**

Do not use this Form I-90 if you are a conditional resident and your status is expiring.

If you became a conditional resident:

- through a marriage to a U.S. Citizen or permanent resident, submit Form I-751, Petition to Remove Conditions on Residence; or
- based on a financial investment in a U.S. business, submit Form I-829, Petition by Entrepreneur to Remove Conditions.

**Changes to Submitted Applications:**

If it is necessary to change any information on your submitted I-90 application, please bring evidence to support the change with you to your in-person appearance at your local ASC. Do not send written correspondence regarding changes.

**Change of Address:**

In the Related Links section in the upper left of this page, select the How Do I Report a Change of Address to the USCIS?

**Withdrawing an Application:**

To withdraw or cancel your submitted application, please send a written request to:

National Benefits Center  
705 B SE Melody Lane, Box 2000  
Lee's Summit, MO 64063

No refunds or returns will be honored in the event of an application cancellation or withdrawal request.

This page can be found at <http://www.uscis.gov/i-90>

- [Download Instructions for completing Form I-90 \(647KB PDF\)](#)
- [Download I-90 \(124KB PDF\)](#)

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[U.S. Department of Homeland Security](#)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

## Instructions for I-90, Application to Replace Permanent Resident Card

### Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

#### What Is the Purpose of This Form?

This form is for permanent residents and conditional residents to apply to the U.S. Citizenship and Immigration Services (USCIS) for replacement of permanent resident cards.

**NOTE:** Do not use this Form I-90 if you are a conditional resident and your status is expiring. You must apply accordingly to remove the conditions:

1. If you became a conditional resident through marriage to a U.S. citizen or permanent resident, submit Form I-751, Petition to Remove Conditions on Residence; or
2. If you became a conditional resident based on a financial investment in a U.S. business, submit Form I-829, Petition by Entrepreneur to Remove Conditions.

#### Who May File This Application?

If you are a permanent resident or conditional resident, file this application:

1. To replace a lost, stolen or destroyed card; or
2. To update a card after change of name or other biographic data; or
3. To replace a card that is mutilated; or
4. To replace a card that is incorrect on account of USCIS error; or
5. To replace a card that was never received.

If you are a permanent resident, you must also file this application:

1. To replace a card that is expiring; or
2. Within 30 days after reaching your 14th birthday, to replace a card issued before your 14th birthday; or
3. If you have been a lawful permanent resident in the United States and are now taking up Commuter status while actually residing outside the United States; or
4. If you have been in Resident Commuter status and are now taking up actual residence in the United States; or
5. If your status has been automatically converted to permanent resident; or
6. When you have an older edition of the card and must replace it with the current type of card.

#### General Instructions.

Please answer all questions by typing or clearly printing in black ink. If an answer is "none," write "NONE."

Every application must be properly signed and accompanied by the appropriate fee. (See "What Is the Filing Fee" on Page 3 of these Instructions.) A photocopy of a signed application is not acceptable.

If you are under 14 years of age, your parent or guardian may sign the application on your behalf.

**Translations.** Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.

**Copies.** Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

#### What Initial Evidence Is Required?

You must submit all required initial evidence as well as all supporting documentation when you appear in person at your local ASC. This includes:

##### 1. Your Prior Card or Other Evidence of Identity.

**Renewing Expiring or Expired Card.** If your card has already expired or will expire in the next six months, you will be required to submit your card when you appear in person at your local ASC.

**Replacing Lost or Damaged Card.** If your card has been lost, stolen, damaged or you never received it, bring a copy of your card, if you have one, when you appear in person at your local ASC. If you do not have a copy and are at least 18 years old, you must bring an identity document, such as a driver's license, passport or a copy of another document containing your name, date of birth, photograph and signature when you appear in person at your local ASC.

If you have been automatically converted to permanent residence status, you are considered to be replacing your card. In such case, you must bring your original temporary status document with you when you appear in person at your local ASC.

## 2. Correction or Change in Biographic Data.

All supporting documentation must be submitted when you appear in person at your local ASC. If you are applying to replace a card because of a name change, you must bring the original court order or a certified copy of your marriage certificate reflecting the new name when you appear in person at the ASC. To replace a card because of a change of any other biographic data, you must bring copies of documentation to prove that the new data is correct.

### What Is Evidence of Registration?

A pending application for a replacement permanent resident card is temporary evidence of registration.

### Where to File?

You have the option of filing this paper form at the Los Angeles, California, Lockbox facility (see address below), or you may file it electronically by using the internet.

**Replacing a Card That Was Never Received.** If you are filing this application to replace a permanent resident card that was never received, you should do the following:

1. Prepare another Form I-90. On the first page of the form, under **Part 2, Application type., Number 2, Reason for application**, check box **b** that reads: "My authorized card was never received." Include any documents with your application that support your claim.
2. When completed, mail your application to the USCIS service center or National Benefits Center (NBC) that processed your Form I-551 permanent resident card or previously filed Form I-90 application.

To find the service center or NBC mailing address, refer to the Form I-797, Notice of Action, and/or e-Filing confirmation receipt that you received for your previously filed Form I-485 (adjustment of status), I-751 (removal of conditions) or I-90 application. In addition to the new Form I-90 application, you should send a copy of the Form I-797 and/or e-Filing confirmation receipt issued for your previously filed application.

**NOTE:** Form I-90 applications with reason **b** checked (My authorized card was never received.) do not require the application base fee or biometrics fee.

**Replacing a Card That Was Issued With Incorrect Data on Account of a USCIS Error.** If you are submitting your application because of this situation, you should do the following:

1. Prepare another Form I-90 application. On the first page of the form, under **Part 2., Application type., Number 2, Reason for application**, check box **d** that reads: "My card was issued with incorrect information because of a USCIS administrative error." Include any documents with your application that support your claim.

2. When completed, mail your application to the USCIS service center or NBC that processed your previously filed Form I-485, I-751 or I-90 application.

To find the service center or NBC mailing address, refer to the USCIS letter that came with your Form I-551 permanent resident card, also known as the "Green Card." The letter lists the address of the service center or NBC that processed your previously filed Form I-485, I-751 or I-90 application. The service center or NBC address can also be found on the Form I-797 issued for your previously filed Form I-485, I-751 or I-90 application.

**In addition, applicants are required to submit the original Form I-551 card** containing incorrect information that supports the requested correction.

Form I-90 applications submitted with reason **d** checked (My card was issued with incorrect information because of a USCIS administrative error.) do not require the application base fee or biometrics fee.

**NOTE:** While many of our customers are eligible to e-file, there are restrictions for some applicants. Please check our website at [www.uscis.gov](http://www.uscis.gov) for a list of who is eligible to e-file this form and for instructions on how to properly complete and submit the form.

If you choose to file this paper version of the form, you must include a check or money order with the application to pay the appropriate fees.

After filing your application, USCIS will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics appointment.

**NOTE:** Do not include any initial evidence when submitting your application for reasons other than **b** or **d** under Part 2., Application type, Number 2, Reason for Application. See detailed instructions under the section titled, **Where to File**.

You must submit all required initial evidence, including your prior permanent resident card or other evidence of identity, and any supporting documentation when you appear in person at your local ASC.

File this application with appropriate fees directly at the following Lockbox address:

**U.S. Citizenship and Immigration Services  
P.O. Box 54870  
Los Angeles, CA 90054-0870**

Or, for non-U. S. Postal Service deliveries:

**U.S. Citizenship and Immigration Services  
Attention I-90  
16420 Valley View Avenue  
La Mirada, CA 90638-5821**



### Biometrics Requirement.

If you have reached your 14th birthday since your card was issued, additional fingerprints will be taken. You no longer need to submit photographs with the Form I-90. When you file your Form I-90, USCIS will notify you in writing of the time and location where you must go for the required biometrics. Failure to appear for the biometrics may result in a denial of your application.

### What Is the Filing Fee?

The fee for this application is **\$290.00**.

The fee for the biometrics is **\$80.00**.

You may submit one check or money order for both the application and biometrics fees, for a total of **\$370.00**.

**Exceptions.** There are three exceptions to having to pay the **\$290.00** application filing fee:

1. If you are filing only because the card issued to you was incorrect due to a USCIS administrative error. However, if the error was not caused by USCIS, both application and biometrics fees are required.
2. If you are filing only because you never received your card. However, if the card was sent to the address provided and never returned to USCIS, your application will be rejected. You must file another Form I-90 application and on the first page of the form under **Application type., Number 2, Reason for application,** check box **a** that states: My card was lost, stolen or destroyed. Include both application and biometrics fees with your form.
3. If you are filing only to register at age 14 years, and your existing card will not expire before your 16th birthday.

The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and

Make the check or money order payable to **U.S. Department of Homeland Security**, unless:

1. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
2. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

**NOTE:** Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

**Notice to Those Making Payment by Check.** If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

### How to Check If the Fees Are Correct.

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

**NOTE:** If your Form I-90 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph or signature, you can use the same procedure to obtain the correct biometric fee.

### Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

**U.S. Citizenship and Immigration Services  
Change of Address  
P.O. Box 7134  
London, KY 40742-7134**

For commercial overnight or fast freight services only, mail to:

**U.S. Citizenship and Immigration Services  
Change of Address  
1084-I South Laurel Road  
London, KY 40744**

### Processing Information.

**Acceptance.** An application is not considered properly filed until it is accepted by USCIS.

**Initial Processing.** Once the application has been accepted, it will be checked for completeness. If you do not completely fill out the form, you will not establish a basis for eligibility and we may deny your application.



**Requests for More Information or Interview.** We may request more information or evidence or we may request that you appear at a USCIS office for an interview. We may also request that you provide the originals of any copies you submit. We will return these originals when they are no longer required.

**Decision.** If your application is approved, your Permanent Resident Card will be manufactured and mailed to you. If your application is denied, we will mail you a notice explaining the reasons for the denial.

collection of information is estimated at 55 minutes per response, including the time for reviewing instructions, completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1516-0082. **Do not mail your application to this address.**

### USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

### Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

### Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-90.

### Paperwork Reduction Act.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this